THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27852 OF 1996

DATED 05th DECEMBER, 2006

BETWEEN:

Smt S.Ramanamma

… Petitioner

AND

The District Collector, Nellore District, Nellore, and others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27852 OF 1996

ORDER:

The petitioner claims to be landless poor. She purchased land admeasuring Acs.4.26 in survey Nos.86/8, 85/10, 85/8 and 84/10 situated at Buja Buja Nellore under an agreement of sale, dated 20.12.1975, from K.Brindavan, who purchased the property from other persons (assignees of Government land) under registered sale deed, dated 26.04.1975. The petitioner alleges that the District Collector proposed to resume the land and embolden the same, but the second respondent and his subordinate officials started interfering with the possession. The petitioner contends that even if the land purchased by the petitioner is assigned land, being the landless poor person, she is entitled to the protection under Section 3(5) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). The petitioner also alleges that at the behest of the second respondent, respondents 3 and 4 are interfering with the possession.

The respondents 1 and 2 have not filed counters even after lapse of a decade. The Station House Office, V Town P.S., Vedayapalem, Nellore has filed counter affidavit denying the petition allegations and further stating that the writ

petition is filed without cause of action.

The petitioner's apprehension is that without due process of law she might be dispossessed by respondents. Even when a person is in possession/occupation of assigned land, the second respondent has to take action in accordance with Section 4 of the Act after giving notice to the occupant as required under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977. This legal position is not denied by learned Assistant Government Pleader for Revenue.

The writ petition is, therefore, disposed of observing that unless and until appropriate action is taken under the Act and the Rules after considering the plea of the petitioner, the respondents cannot interfere with the possession of the petitioner.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

05.12.2006.

pln